



Via E-Mail

May 2, 2005

Scot Stone  
Public Safety and Critical Infrastructure  
Federal Communication Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

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04-344

Federal Communications Commission

of the Secretary

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Dear Scot,

I'm writing to solicit your assistance with the unauthorized use of channel 87B. We're aware, of course, that the FCC has proposed to permit the use of channel 87B for AIS in its pending rule making proceeding. We're also aware the FCC, in a June 2003 public notice, permitted the use of channel 87B on ship stations (although we continue to disagree with the FCC's authority to do so and its subsequent failure to withdraw that permission when MariTEL terminated its MOA with the USCG). However, until the FCC adopts final rules in the pending proceeding, no other entity (besides incumbent licensees) should be permitted to operate base stations on channel 87B in MariTEL's license areas.

Yet, the St. Lawrence Seaway Development Corporation (SLSDC) continues to use our channels. We understand that the use of channel 87B is important to the SLSDC's operations, and we are willing to permit its use of the channels, but the SLSDC believes that it does not require our permission (or the FCC's permission) to use channel 87B. The SLSDC claims that it has authority issued from the NTIA to operate channel 87B. We've consistently claimed that the SLSDC licenses from the NTIA were improperly issued in the first place. However, even if the licenses were properly issued, they are explicitly conditioned on the existence of the MariTEL/USCG MOA, which has since been terminated. Even the USCG seems to recognize its authority to use channel 87B was terminated and, for example, notified port authorities to no longer use channel 87B under USCG auspices. However, the SLSDC continues to use channel 87B.

We advised the USCG and SLSDC at the termination of the MOA to stop all activities utilizing our channels. The SLSDC blatantly has continued the use of the channels and have ignored our request that they seek permission from MariTEL to continue.

Please let us know how the FCC can assist us enforce our rights to the use of channel 87B. If this issue merits a meeting with you or others in the FCC, please let me know.

Best Regards,

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List ABCDE

Dan Smith